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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,103	08/28/2001	Kevin W. Preston	4673-007	5840
27820	7590	11/24/2003	EXAMINER	
WITHROW & TERRANOVA, P.L.L.C. P.O. BOX 1287 CARY, NC 27512			TRAN, KHOI H	
			ART UNIT	PAPER NUMBER
			3651	

DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Offic Action Summary</b>	Application No.	Applicant(s)
	09/941,103	PRESTON ET AL.
	Examiner Khoi H Tran	Art Unit 3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 17 November 2003.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-37 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-6,8-20,22-32 and 34-37 is/are rejected.

7) Claim(s) 7, 21, and 33 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**KHOI H. TRAN**  
**PRIMARY EXAMINER**

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Election/Restrictions***

1. Applicant's restriction argument filed on 11/17/2003 is fully noted. However, since all of the claims 1-37 have been examined, the withdrawal of the restriction requirement is not necessary.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-6, 8, 9, 12, 13-20, 22, 23, 26-32, 34, and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al. 6,230,150.

Walker '150 discloses a method and system for providing vending information per claimed invention. The method and system comprises vending machine(s), interface, and control system having computer readable medium with software therein.

In operation, Walker '150 vending machine and control system determine new vending data (new prices and all sales data, figures 6A and 6B) for the vending machine. The new vending data relates to the reference vending data kept at a central processing system 300 (figure 3) for the vending machine. The vending machine generates difference indicia (change in profitability, figures 6A and 6B) by obtaining the differences between the reference vending data (old profit) and the new vending data (new profit).

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Said indicia capable of instructing the central processing system to modify the reference vending data to reflect new vending data for other vending machines and/or vending items. The control system of the vending machine relays said indicia to the central processing system via communication electronics. The central processing compares said difference indicia with the reference data within a database and modifies the reference data, using said difference indicia, to reflect a new vending data. Said reference indicia only include information necessary to modify the reference vending data to reflect new vending data.

In regards to claims 5, 6, 19, 20, 31, and 32 Walker control system comprises records of reference and new vending data (figures 6A and 6B). Said control system adapts to compare the corresponding records between the reference vending data and the new vending data to identify records (new price change) to insert into and delete (old price) from the reference vending data to reflect the new vending data.

In regards to claims 8, 22, and 34 Walker's control system adapts to store the reference vending data and update the reference vending (old price) data with a new

vending data (new price change) after the generated difference indicia have been proven to be successful by the central processor.

In regards to claim 9, 23, and 35, Walker's control system at the vending machine and the central processor remotely located thereof is adapted to run differencing algorithm and reconstruction algorithm, respectively, to generate the difference indicia, and to update the reference data to a new vending data.

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***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10, 24, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. 6,230,150 in view of Kolls 6,505,095.

Walker '150 discloses all elements per claimed invention as indicated in paragraph 3 above. However, Walker is silent as to the specific of the type of network on which the vending machines and the central server are connected.

Kolls '095 teaches that token ring network is one of the many common networks for providing communication among vending devices.

It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have provided a token ring network to Walker's system because it facilitates a communication network for Walker's vending system.

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6. Claims 11, 25, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. 6,230,150 in view of Etoh et al. 5,963,452.

Walker '150 discloses all elements per claimed invention as indicated in paragraph 3 above. However, Walker is silent as to the specifics of the vending data being compressed by the controller before sending said data to the central processor.

Etoh '452 discloses a system for managing sales of goods for vending machines. Etoh teaches that data compression, prior to the transmission process over a communication medium, reduces data quantity. Data compression increases the speed of data transmission over a communication medium and/or increases the amount of information that could be sent over a communication medium.

It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have Walker's control system compresses the vending data, prior of transmitting them over a communication medium to the central processor, because it facilitates faster data transferring rate, as taught by Etoh '452.

***Allowable Subject Matter***

7. Claims 7, 21, and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

8. Applicant's arguments filed on 11/17/2003 have been fully considered but they are not persuasive. Applicant argued that the central server of Walker 6,230,150 vending system only determines if the vending item test price was a success or failure.

Applicant argued that Walker central processing system does not further modify the reference vending data, at said central processing system, to reflect the new vending data. Applicant argued that Walker's change in profitability data transmitted to the central server is not used to modify reference vending data to reflect new vending data in the vending machine database. These arguments are not persuasive. Applicant's attention is directed to at least column 5, lines 19-24 in Walker '150 reference. Contrary to Applicant's argument, Walker central processing system does in fact adapted to modify the reference data (the data that includes the price/information of all vending items within the vending network of Figure 2C) using the different indicia to reflect the new vending data in one or more vending machines.

Walker '150 discloses a system for testing the profitability of a price change at a vending machine 400. The system comprises a central server having a price/information database that includes reference vending data (i.e. original pricing/information) of all vending machines 400-408 within the system. If the outcome of the test price for machine 400 is positive according to a predefined criteria, Walker's central server will further modify the reference vending data to impose price adjustment on the same or similar product in one or more additional vending machine 401-408 within said system.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoi H Tran whose telephone number is (703) 308-1113. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (703) 308-1113. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Khoi H Tran  
Primary Examiner  
Art Unit 3651

KHT  
11/20/2003